

The PRESIDING OFFICER. A unanimous-consent request has been propounded. Is there objection?

Mr. BIDEN. I object.

Mrs. BOXER. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. BAUCUS addressed the Chair.

Mr. KERRY. The absence of a quorum was suggested.

Mr. DOLE. I suggest the absence of a quorum.

Mr. BAUCUS. Will the majority leader yield while I give a statement on another matter? Perhaps he can work this out while I give a statement on another matter, 10 minutes total? Thank you.

Mr. DOLE. Maybe you can talk some of your people out of objecting to these routine requests while we are at it.

Mr. BIDEN. Will the Senator yield for 2 seconds?

Mr. BAUCUS. I yield.

Mr. BIDEN. The reason I objected was I thought—more appropriately, I would like to reserve the right to object, but since the minority leader asked for a quorum call—I assume to talk with the majority leader—that is why I objected. I have no intention of objecting, if they can agree, and I would just like to point out, as back in the bad old days when I was chairman of the committee, this floor never agreed to the amendments from the Judiciary Committee on a bill.

So it is a practice that maybe we should establish, but in my experience in 6 years as chairman of that committee I can never remember one single occasion when I came to the floor where we routinely agreed to the committee amendments from the Judiciary Committee.

I yield the floor.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, I first want to commend the majority leader, who I know is trying to get a very important bill passed, as well as the distinguished manager of the bill, Senator KEMPTHORNE from Idaho, who I think has done yeoman's work, a very good job of managing this bill, as well as the Senator from Ohio.

I think all of us in the Chamber know that this bill is going to be enacted, it is going to pass. I think all of us want it to be a good, solid piece of legislation, and in putting it together, I urge my colleagues, those on the other side of the aisle, to give Senators who have legitimate amendments time to offer their amendments.

It is a very important bill. It is very complicated. It is not at all understood. Speaking for myself, I could tell the majority leader that I support the underlying legislation and I think a lot of Senators do. We would just like to have legitimate time to get the amendments. This is not a filibuster to kill a bill. It is not a filibuster to kill a bill. It is just an opportunity to offer amendments so we can vote on final

passage on a bill that is probably improved upon.

BRINGING MICRON TO BUTTE

Mr. BAUCUS. Mr. President, I rise today to pay tribute to the citizens of Butte, MT, and other Montana communities, in their efforts to bring Micron Technology, Inc., a major U.S. semiconductor manufacturer, to Montana.

Butte-Silver Bow County is a finalist for a \$1.3 billion Micron manufacturing plant. The plant would create 3,000 to 4,000 jobs with an annual payroll of \$200 million. Good paying, high technology jobs that would bring a better standard of living to both Butte and Montana. Micron would also propel Butte forward on its journey as a major U.S. technological center.

The possibility of Micron locating to Montana has banded the citizens of Butte together—in fact, the entire State together—in a very inspiring way. I wish you could see it, Mr. President. It has been exciting and heartening for me to experience and be part of the enthusiasm and vigor by which Montanans have gone after this golden opportunity.

For those of you who have never been to Butte—and I guess that would include most of you—Butte is truly a unique, all-American city. It is known throughout Montana as the Can Do City, and if ever a city in this country could do it, it is Butte.

There was a time, after the Anaconda Co. shut down its mines, that Butte was believed to be destined to join the many ghost towns dotting the Rockies. Yet, through hard work, loyalty, determination, and a very strong entrepreneurial spirit, the people of Butte-Silver Bow fought their way back.

They have made Butte a national center for the development, testing, and application of revolutionary environmental technologies. They are making the Port of Butte a major hub for intermodal shipping across the Nation. And they created a top educational institution—Montana Tech—voted by college presidents in a U.S. News & World Report poll as the top-ranked science program in the United States among smaller comprehensive colleges.

Newsweek has described Butte as the “bright spot amidst the tumbleweed” in the West and commended the community for “engineer[ing] the most dramatic turnaround.”

See this poster behind me? The local newspaper in Butte printed it up so thousands, and thousands, of Butte citizens could hang it in their windows, displaying to Micron—and Micron, I hope you are watching this—their enthusiasm and support. And see this stack of papers? They are editorials and articles from all over Montana, written in support of Micron. Editorials have been pouring in on a daily basis.

Take the editorial from the Missoulian, for example. As the editorial board penned:

The people of Butte are survivors proud and passionate about their community * * *. If Micron's managers have any yearning to be adored and supported by an entire community in their every endeavor, they will build in Butte.

Similarly, the editors of the Independent Record in Helena write, “it is difficult to think of a town in the country that deserves as much admiration as Butte, a city that doesn't know how to quit.”

And the Billings Gazette board stated last week that “Butte, MT, can offer everything that Micron seeks and more. It also offers an intense desire to attract companies such as Micron, to treat them well and to provide incentives for relocation.”

I think Daniel Berube, chairman and CEO of the Montana Power Co. in a guest editorial in the Montana Standard sums it up right: Butte is “a good place to live, a good place to work, and a good place to raise a family.” I strongly share his belief that there cannot be a better matched city for Micron than the city of Butte.

Like Butte, Micron based its phenomenal growth and success on the Western ideals of working hard and thinking big.

Like Butte, Micron has become a leader in its field, serving as a shining light for the rest of the Northwest.

And like Butte, Micron is preparing itself for the 21st century, while at the same time, maintaining the unique quality of life and scenic location found only in Montana and the Northwest.

I cannot think of a better home for Micron than in Butte. And I commend the community and the State of Montana in their efforts to deliver this message to Micron.

I yield the floor.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. KEMPTHORNE. Mr. President, I must respond to this statement by the Senator from Montana. He is so correct in pointing out that Micron is worth attracting to your State. Micron is an outstanding industry, and I know that because Micron is located in Boise, ID, of which I was mayor for 7 years. There are a number of communities in Idaho that also are desirous of the expansion of Micron. So I commend my colleague from Montana. He knows something good. I just say that we certainly intend to keep an eye on it.

Mr. BAUCUS. Mr. President, I, too, would like to commend the distinguished manager of this bill, a former mayor of Boise, ID, home of Micron. We all are together. We very strongly support and are enthusiastic admirers of Micron and what they have done over the years. It is a good competition going on here to get Micron. The depth of competition indicates the quality of the company. And I just say to my friend, may the best city win. And we very much hope that Butte, MT, is the finalist in the plant location.

I thank my good friend.

UNFUNDED MANDATE REFORM ACT

The Senate continued with the consideration of the bill.

AMENDMENT NO. 151

(Purpose: To exclude laws and regulations applying equally to governmental entities and the private sector)

Mr. LIEBERMAN addressed the Chair.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. I thank the Chair.

Mr. President, I would call up amendment No. 151.

The PRESIDING OFFICER. The clerk will report the amendment.

The bill clerk read as follows:

The Senator from Connecticut [Mr. LIEBERMAN], for himself, Mr. KERRY, Mr. LEVIN, Mr. LAUTENBERG, Mr. BUMPERS, and Mr. DORGAN, proposes an amendment numbered 151.

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of the amendment, and the following:

“(6) EXCLUSION.—For purposes of paragraph (1)(B), the term ‘Federal intergovernmental mandates’ shall not include a provision in any bill, joint resolution, amendment, motion, or conference report that would apply in the same manner to the activities, facilities, or services of State, local, or tribal governments and the private sector.

Mr. LIEBERMAN. Mr. President, I have called up this amendment on behalf of Senators KERRY, LEVIN, LAUTENBERG, BUMPERS, DORGAN, and myself. And I am pleased to say that this is a very germane amendment.

I share the very, very serious concerns that have been raised by officials of State and local government about the regulatory compliance and other burdens that have been placed on States and local governments by the Federal Government, by us. There is a problem here. It is a real problem, and we ought to deal with it.

Last year, there was bipartisan legislation, S. 993, reported by the Governmental Affairs Committee on which I am privileged to serve, which I thought adopted a balanced approach to addressing the justifiable concerns of State and local governments about unfunded mandates. We established the principle there that Congress must be forced to confront the costs that may be incurred by the State and local governments when we pass legislation, whether or not we have authorized funding for those costs. There must be an opportunity for the fullest discussion, if there are not funds provided in the legislation we adopt to cover the costs on State and local governments.

In other words, that kind of legislation should be subject to a point of order if there is not information about the costs. I think that was a very important principle that was established in S. 993, a very important response to

a very real problem, a very constructive response.

I was pleased to be a cosponsor of S. 993 because it was all about knowledge and congressional accountability. But I regret to say that in my opinion S. 1, though it does some very good things, in one particular way—others as well—but in one particular way it goes too far. It simply takes a good idea and takes it so far that it creates a new, and I think very threatening presumption.

Under S. 1, if the bill, joint resolution, amendment, motion, or conference report increases the Federal intergovernmental mandate by more than \$50 million in a given year, a point of order will lie unless there is a funding mechanism provided.

S. 1 also provides that if the funding mechanism is an authorization of appropriation for the full amount of the mandate, then the bill must designate a responsible Federal agency, and establish procedures for that agency to direct that the mandate will become ineffective or reduced in scope if the full amount of the appropriations is not provided in any fiscal year.

In short, the presumption in S. 1 is that the Federal Government will pay 100 percent of the cost of obligations imposed by the Federal Government on States and localities. If the legislation states that the Federal Government will pay the cost, the money must be appropriated or the agency must declare the mandate ineffective or reduced in scope.

So S. 1 is a much more extensive reach, a much different approach to the problem of unfunded mandates than that adopted in S. 993, which was reported out of the committee last year. That is why I say it takes a problem, unfunded mandates, and in its response reaches too far; and in doing so, creates an unintended—but I am convinced very real and inequitable—burden on private-sector entities, businesses that are affected by these mandates. And it also puts at risk a whole array of Federal law protecting the environment, people's health, people's safety, people's rights, that the public simply does not want to endanger, that the public wants us to continue to protect.

So under the mantle of dealing with unfunded mandates, this bill will have the consequence, I am convinced, of putting extra burdens on business, particularly small business, and in the process will create a hurdle that will impede the protection of people's environmental health, safety, and employee rights.

Let me say that in trying to separate out those mandates that uniquely place responsibilities on State and local governments, and for which we should feel a special obligation to pay the costs of those mandates, and those mandates which deal with a problem and in doing so place responsibilities—call them mandates—on public as well as private sources of that problem, we are creating a real inequity.

But let me say what this amendment leaves intact. It leaves intact in the underlying bill, S. 1, the requirement that Congress confront the cost of our actions. It may be when doing so, no matter how worthy the aims of the particular legislation, how protective it may be, how popular it may be, that Congress, Members of Congress, in our wisdom, will decide that it is not worth the cost. That is left in place in this bill.

Also left in place is the second point of order, with all the extra burdens, all the extra responsibilities on the Federal bureaucracy to pay for the cost of mandates, or cut back or terminate those mandates if they apply specifically to State and local governments.

The amendment is structured on a principle, and that principle is that if Congress requires other levels of government to perform governmental services, then Congress should pay the State and local governments to do that. The appropriate area for legislation is where States and localities are providing those governmental services, mandated by Congress, that Congress is unwilling to fund; responsibilities that are exclusively governmental, that do not apply to private industry or private citizens.

The purpose of the amendment is to assure a fairer partnership between those State and local governments and the Federal Government in carrying out governmental programs. In its report on S. 1, the Governmental Affairs Committee stated:

State and local officials emphasized in the committee's hearings . . . that over the last decade the Federal Government has not treated them as partners in the providing of effective governmental services to the American people, but rather as agents or extensions of the Federal Government.

But there is an enormously expensive governmental service obligation associated, still, with many of the programs covered by this legislation that our amendment would not affect. In fact, they are the big-ticket mandate items for States and local governments: Medicaid, AFDC, child nutrition, food stamps, social service block grants, vocational rehabilitation State grants, foster care, adoption assistance and independent living, family support welfare services, and child support functions. Those are all examples of programs where the Federal Government has put responsibilities on State and local governments, not on private entities. We essentially delegated a governmental responsibility from the Federal to the State and local governments. And those are mandates whose treatment would be left untouched by my amendment; whose treatment under S. 1 would be left untouched by my amendment.

For Congress to act to pass or reauthorize those mandates beyond the \$50 million annually exempted, there would have to be the finding that Congress had put the money forth to pay for the State and local costs of those